

Hunt Street

02-0-1584

AN ORDINANCE

BY

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AN ORDINANCE TO AMEND SECTION 8-2094(c) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (THE ATLANTA COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL BUILDING MAINTENANCE CODE, HEREINAFTER, "THE CODE") SO AS IMPOSE MINIMUM PENALTIES FOR THE VIOLATION THEREOF; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS AS FOLLOWS:

SECTION 1: Section 8-2094(c) of the Code of Ordinances of the City of Atlanta, Georgia (The Atlanta Commercial, Institutional, and Industrial Building Maintenance Code, hereinafter "The Code") which currently provides as follows:

"(c) Penalty. All violations of the provisions of this Code shall be punished as provided in Section 1-8 of the Atlanta City Code.",

is hereby amended by deleting said subsection (c) in its entirety and substituting the following in lieu thereof:

"(c) Penalties. Failure to comply with any provision of this Code shall constitute an offense and shall be punishable as follows:

- (1) Upon first conviction, each separate violation of this Code shall be punishable by a fine of not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.

- (2) A second conviction for violation of this Code shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.
 - (3) The penalties imposed pursuant to subsections (1) and (2) hereinabove, are mandatory and once imposed, shall not be subject to suspension or dismissal.
 - (4) Where a person shall be convicted of more than one (1) offense and sentenced to imprisonment, said sentences shall be served concurrently; provided, however, the judge may, in his/her discretion, direct that these sentences run severally if said sentence would not exceed one hundred and eighty days.
 - (5) Any or all of the penalties prescribed in this Subsection may be imposed upon the appropriate officers or partners of a corporation, partnership or other legal entity for the failure to comply with any provision of this Code.
- (d) *Separate Offenses.* Any person failing to comply with any provision of this Code shall be guilty of an offense. Each and every day the condition is maintained or the activity is conducted after the expiration of all reasonable time given to comply with any provision of this Code shall constitute a separate offense as to each violation of the Code and shall be punishable as provided in Subsection (c) hereinabove.
- (e) Any person who knowingly and willingly aids another in violating the provisions of this Code shall be a party to the offense and shall be subject to the penalties provided herein.
- (f) *Reports of Disposition of Cases.* The Clerk of Municipal Court shall prepare weekly reports of the disposition of cases brought pursuant to this Code and shall forward said reports to the Director."